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Sent To LUKE DUVIS  
Street & Apt. No.,  
or PO Box No. 1104 NORTH WILLARD ST  
City, State, ZIP+4 BTV 05401  
PS Form 3800, July 2014 See Reverse for Instructions

**ZONING DENIAL**

City of Burlington, Vermont  
Department of Permitting and Inspections  
5 Pine Street Burlington, Vermont 05401

Appeal Period Expiration Date: May 21, 2021

District: RL

Tax ID: 045-1-091-000

Project Type: Residential - Site Imp/Landscaping/Parking/Fence  
Project Description: Install fence and related gates.

Construction Cost: \$1,500

Lot Size (Sq Ft): 8,052

Net New Habitable Sq Ft:

Net New Number of Residential  
Units:

Existing % Lot Coverage:

Existing Number of Parking Spaces:

Proposed % Lot Coverage:

Proposed Number of Parking  
Spaces:

Net New % Lot Coverage:

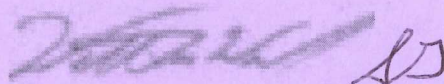
Required Number of Parking Spaces:

Zoning #: 21-275

Decision By: Administrative

Level of Review: FC

Decision: DENIED

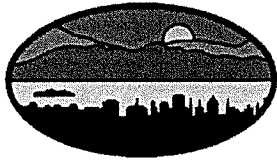


Decision Date: May 6, 2021

Zoning Administrative Officer

An Administrative decision may be appealed by an interested person within 15 days from the Decision Date.  
Please contact the Zoning Division for more information.

Balance Due: \$0



City of  
Burlington, Vermont  
645 Pine Street

## Zoning Application Denial – Reasons for Denial

ZP #: 21-275

Tax ID: 045-1-091-000

Issue Date: May 6, 2021

Decision: Denied

Property Address: 164 North Willard Street

**Description:** Install fence and related gates.

### **Reasons for Denial:**

1. Per Sec. 2.7.8, *Withhold Permit*, of the Comprehensive Development Ordinance, existence of a continuing zoning violation on the property precludes approval of this zoning application. Specifically, the gravel parking area to the south of the paved driveway was found to be an enforceable zoning violation by the Development Review Board and in related court decisions relative to 15-0797AP and 19-0474DT. Lacking remedy of this continuing zoning violation, the application cannot be approved.





## Department of Planning and Zoning

149 Church Street, City Hall  
Burlington, VT 05401-8415  
Phone: (802) 865-7188  
Fax: (802) 865-7195

[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)

### Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

<b>PROJECT LOCATION ADDRESS:</b> <u>164 North Willard</u>	
<b>PROPERTY OWNER*:</b> <u>Luke Purvis</u> <small>*If condominium unit, written approval from the Association is also required</small>	<b>APPLICANT:</b> _____
<b>POSTAL ADDRESS:</b> <u>164 North Willard, #1</u>	<b>POSTAL ADDRESS:</b> _____
<b>CITY, ST, ZIP:</b> <u>Burlington VT 05401</u>	<b>CITY, ST, ZIP:</b> _____
<b>DAY PHONE:</b> <u>609-235-5792</u>	<b>DAY PHONE:</b> _____
<b>EMAIL:</b> <u>l.purvis78@yahoo.com</u>	<b>EMAIL:</b> _____
<b>SIGNATURE:</b> <u>Luke Purvis</u> <small>I am the owner. In addition, I duly authorize the applicant (if noted) to act on my behalf for all matters pertaining to this zoning permit application.</small>	<b>SIGNATURE:</b> _____

**Description of Proposed Project:** Install fence along northern & eastern boundaries & driveway gate

**Existing Use of Property:** ☐ Single Family ☒ Multi Family: # 3 Units ☐ Other: \_\_\_\_\_

**Proposed Use of Property:** ☐ Single Family ☒ Multi Family: # 3 Units ☐ Other: \_\_\_\_\_

- Does your project involve new construction, addition, alteration, renovation, or repair to a structure that is heated or cooled? Yes ☐ No ☒  
(If yes, the Vermont Residential Building Energy Standards (VRBES) apply. Visit the P&Z Office, Public Service Board or PSB website for details)
- Will 400 sq ft or more of land be disturbed, exposed and/or developed? Yes ☐ No ☒  
(If yes, you will need to submit the 'Erosion Prevention and Sediment Control Plan' questionnaire, with a site plan)
- For Single Family & Duplex, will total impervious area be 2500 sq ft or more? Yes ☐ No ☐  
(If yes, you will need to submit the 'Stormwater Management Plan' questionnaire, with a site plan)
- Are you proposing any work within or above the public right of way? Yes ☐ No ☒  
(If yes, you will need to receive prior approval from the Department of Public Works)

**Estimated Construction Cost (value)\*:** \$ 1500

(\*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

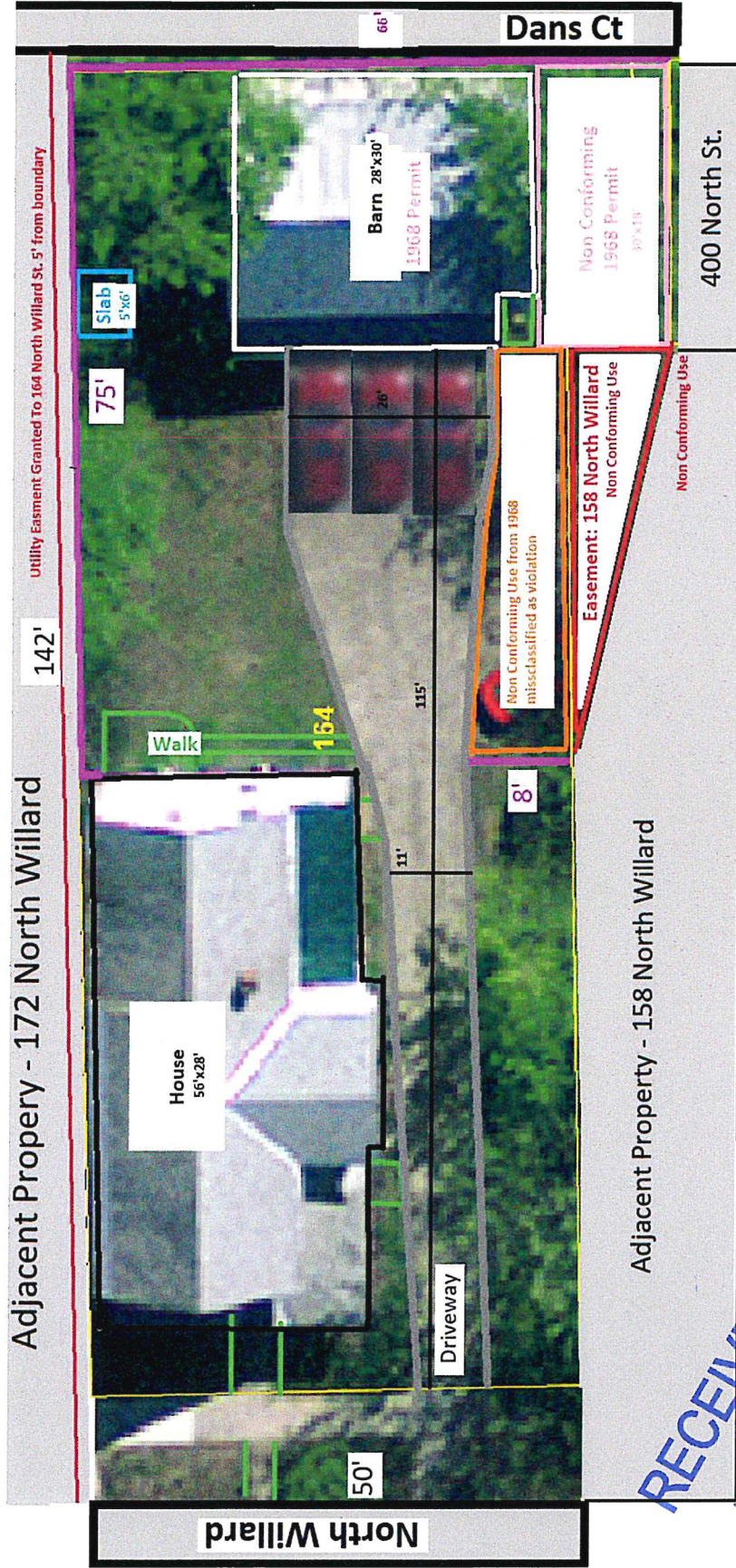
Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days for administrative permit; 30 days for board permit). A building (and/or electrical, mechanical, plumbing, curb cut) permit will also be required. Contact the Department of Public Works at 802-863-9094 to inquire. Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office in the lower level of City Hall, 149 Church Street.

**Office Use Only:** Zone: RL Eligible for Design Review? Y Age of House 1885 (32) Lot Size 8052  
Type: SN ☐ AW ☐ FC ☒ BA ☐ COA 1 ☐ COA 2 ☐ COA 3 ☐ CU ☐ MA ☐ VR ☐ HO ☐ SP ☐ DT ☐ MP ☐  
Check No. 792 Amount Paid \$122 Zoning Permit # 21-0749FC



# 164 North Willard St. - Proposed Fence Project

## Site Plan



164 North Willard St.  
Burlington VT 05401

Prepared By: Luke Purvis  
On: 2/28/2021

Scale: 1cm = 3.4 ft

Proposed  
Fence Line

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3/7/2021 - 164 North Willard - Fence Plan - No changes to existing uses, structures, boundaries proposed.

# 164 North Willard St. - Proposed Fence Project

## Installation Plan and Materials

Install an 8' foot tall horizontal cedar fence on the eastern boundary along Dans Court. Good side will face Dans Ct. The bottom of the fence panel will begin at the curb height of Dans Ct. There will be a gate on the south side of the barn to allow continued access to Dans Court.

- 6"x6" and 4"x6" pressure treated posts
- 1x3, 1x6 Eastern White Cedar for horizontals
- Concrete footings
- Gate – to the south of the barn

Install horizontal cedar fence along the current fence line between 164 and 172 North Willard St. This fence will be good both sides. The Fence will have 8' height where it meets Dans Ct. and taper down to 4' height for most of the run and then increase up to 8' at the house for privacy entering and exiting back doors.

- 4"x4" pressure treated posts, cedar clad
- 1x3 and 1x6 Eastern White Cedar for horizontals
- Compact gravel footings

Install perpendicular fence spur from the 158 North Willard border with horizontal cedar planks, 6' tall, with driveway gate at the easterly line of the main 164 North Willard house to complete a fenced enclosure for 164 North Willard back yard.

- 4"x4" pressure treated posts
- 1x3 and 1x6 Eastern White Cedar for horizontals
- Concrete footings
- Gate to cross driveway

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# 164 North Willard St. - Proposed Fence Project

## Materials and Style Representation

The fence shall be constructed of pressure treated posts and eastern white cedar boards with a gap for airflow and focus on privacy. This picture was chosen to show how the fence would taper from full height for privacy on Dan's Ct, to a shorter height for most of the run along the boundary to 172 North Willard.



Spaced Horizontal Cedar Fence with Custom Height

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3/7/2021 – 164 North Willard - Fence Plan – No changes to existing uses, structures, boundaries proposed.



# 164 North Willard St. - Proposed Fence Project

Current View / Proposed View of Dans Ct. - North Side



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This is a likeness of the fence to show the privacy from the adjacent parking area gained.

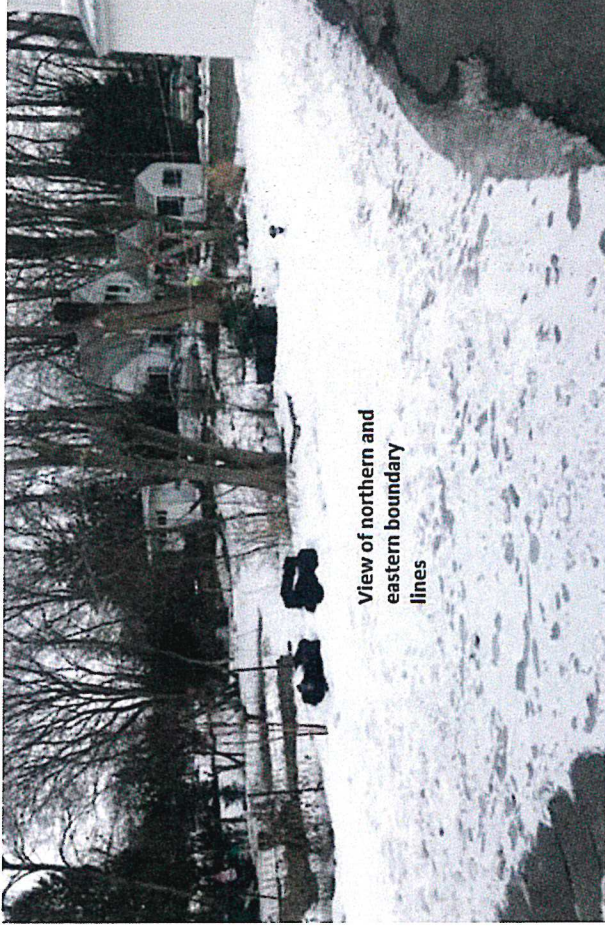
3/7/2021 - 164 North Willard - Fence Plan - No changes to existing uses, structures, boundaries proposed.



# 164 North Willard St. - Proposed Fence Project

## Current Views of Proposed Fence Lines

The Eastern boundary  
along Dans Ct - view to  
the south



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Along the 172 North Willard (Northern) boundary, the fence will follow the line of the current metal fence and be good both sides.

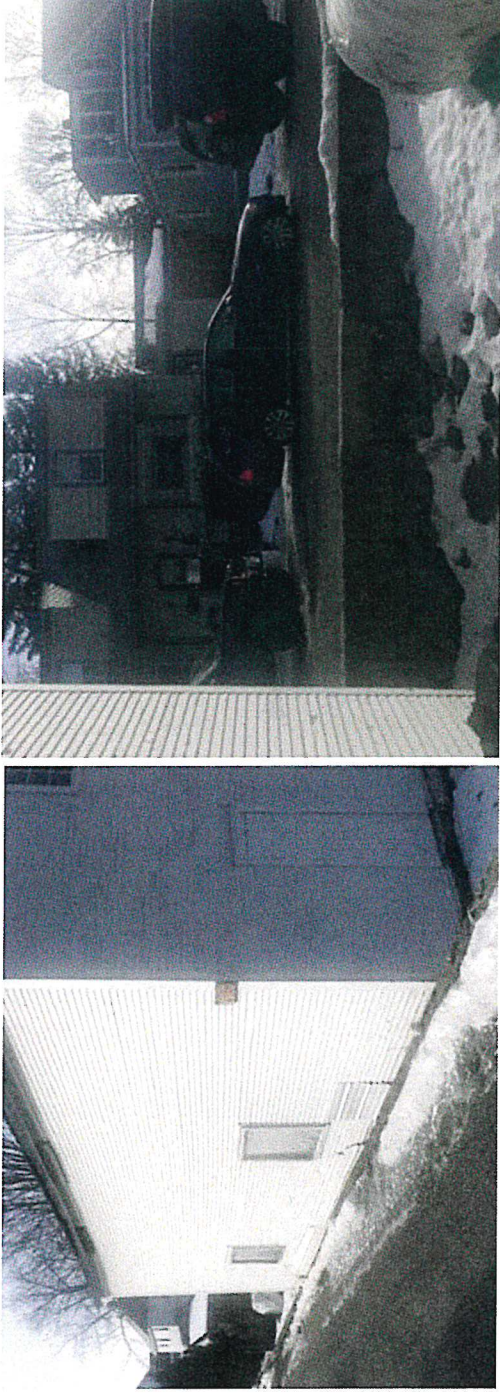
Along the Dan's court boundary, the fence will be placed close to the wall boundary to replace a fence that had been built into the top of the curb of the Dan's Court Retaining wall that had gotten into disrepair and was recently removed. This configuration will continue to allow access behind the barn to 164 North Willard Owners for maintenance.

3/7/2021 – 164 North Willard - Fence Plan – No changes to existing uses, structures, boundaries proposed.



# 164 North Willard St. - Proposed Fence Project

## Current Views of Proposed Fence Lines



The barn along the easterly boundary and the Dans Ct. boundary wall to the south of the barn.



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This is where the fence spur for the driveway gate will go

## Scott Gustin

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**From:** Scott Gustin  
**Sent:** Monday, March 29, 2021 9:46 AM  
**To:** Luke Purvis  
**Subject:** 164 North Willard Street fence application  
**Attachments:** 164 North Willard Parking 2021.jpg

Good morning Luke,

I've reviewed your zoning application for a fence at 164 North Willard Street. The proposed fence looks as though it could be permitted. There are a couple of items that need to be addressed.

- The unpermitted "south" parking space remains in place and in use. Sec. 2.7.8, Withhold Permit, of the Comprehensive Development Ordinance precludes issuance of a zoning for properties that have ongoing violations – unless the permit is to remedy the violation. Such is not the case here.
- The site plan notes a few "nonconformities" that are not legitimately nonconforming. The site plan cannot be approved.

A fence application may be approvable if the parking violation is remedied and is reflected on the application site plan. The application as presently submitted cannot be approved. You may choose to keep your application as is or revise it to be acceptable. A denial can, of course, be appealed to the Development Review Board. A revised, acceptable application could be approved within a matter of days. Please let me know by April 1, 2021 how you'd like to proceed.

Scott

Scott Gustin, AICP, CFM  
Principal Planner & Asst. Administrative Officer  
Dept. of Permitting & Inspections  
645 Pine Street  
Burlington, VT 05401  
(802) 865-7189



**Scott Gustin**

---

**From:** Luke Purvis <lpurvis78@yahoo.com>  
**Sent:** Thursday, April 01, 2021 3:23 PM  
**To:** Scott Gustin  
**Subject:** Fwd: Fence Permit Revision 164 North Willard St.

[ WARNING ]: This email was sent from someone outside of the City of Burlington.

Hi Scott, here the revisions. Thanks for talking it through.  
Luke

Sent from my iPhone

Begin forwarded message:

**From:** "Purvis, Luke" <Luke.Purvis@uvmhealth.org>  
**Date:** April 1, 2021 at 3:20:29 PM EDT  
**To:** lpurvis78@yahoo.com  
**Subject:** Fence Permit Revision 164 North Willard St.

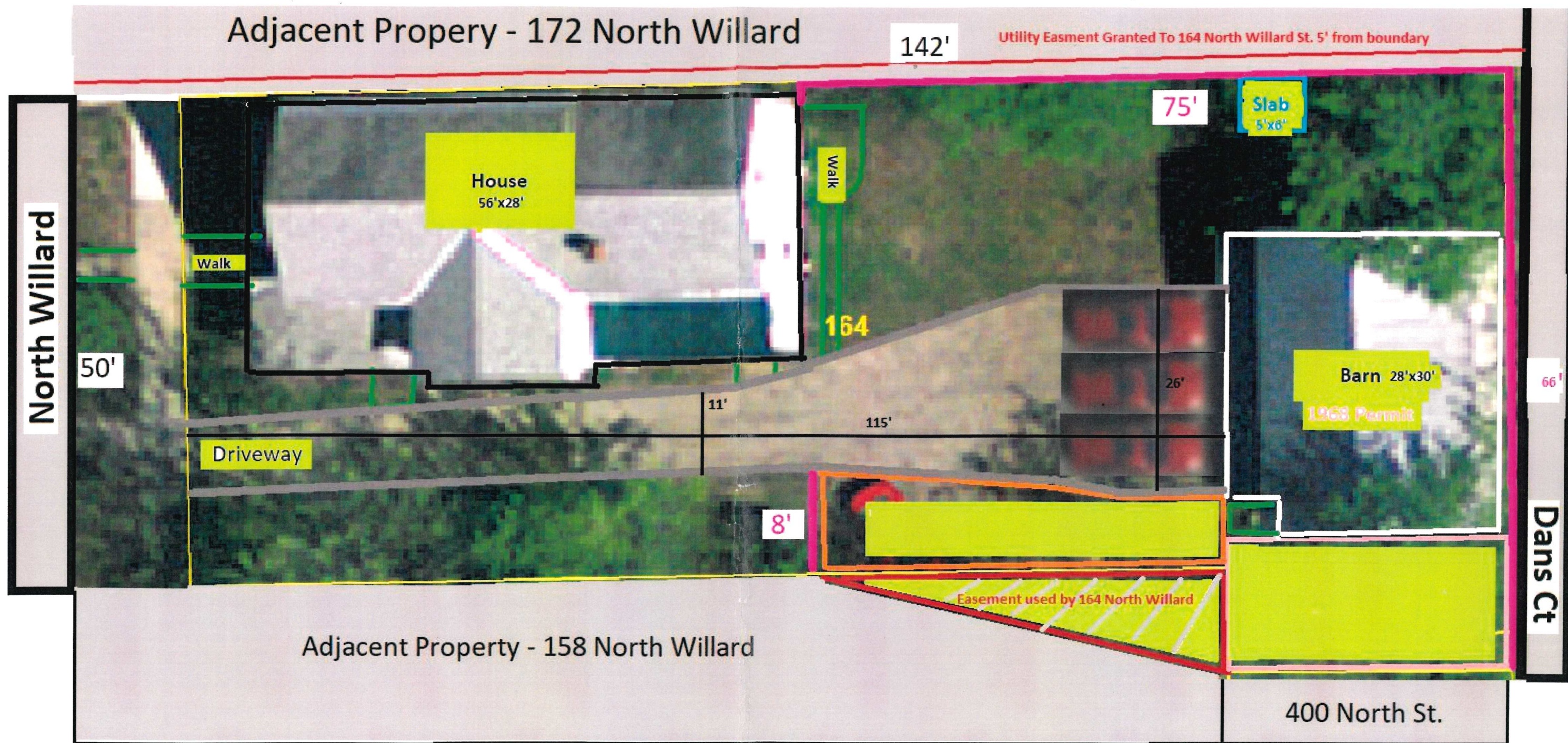
**Luke Purvis**

Business Intelligence Developer  
UVMHN Data Management Office  
[Luke.Purvis@uvmhealth.org](mailto:Luke.Purvis@uvmhealth.org)

**The University of Vermont Health Network**  
UVMHealth.org

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Scale: 1cm = 3.4 ft

164 North Willard St.  
Burlington VT 05401

Prepared By: Luke Purvis  
On: 2/28/2021

Proposed  
Fence Line  
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